

A N

A C T

F O R

Dividing and Inclosing several stinted Pastures
within the Township of *Litton*, in the
Parish of *Arncliffe*, and County of *York*.

Whereas there are, within the Township of *Litton*, Description
in the Parish of *Arncliffe* and County of *York*, of the Pa-
stures.
several undivided stinted Pastures for the depastu-
ring of Cattle and Sheep, commonly called and
known by the Names of *Cow Close*, *Scoscoe Moor*,
Potts Moor, *Middles Moor*, *Ackerley Moor*, *Out*
Moor, *Halton Gill East Moor*, *Halton Gill West*
Moor, *Tansey Close*, and *New Close*, containing by Estimation Three
Thousand Acres, or thereabouts :

And whereas, by reason of the Largeness of the said several Inconvenien-
Pastures, Trespasses are frequently committed therein by Persons^{cies.}
A turning

turning Cattle and Sheep thereon, who have no Right or Interest whatsoever on the said Pastures, to the great Damage and Prejudice of the Owners and Proprietors thereof :

And whereas, in case the said Pastures were inclosed and divided amongst the Owners and Proprietors thereof, in proportion to the Number of Cattlegates and Sheepgates which they are respectively intitled to thereon, the said several Pastures would be capable of being cultivated and greatly improved, and rendered of much greater Use, Benefit, and Advantage, to the Owners and Proprietors thereof, than at present the same are ; and the several Owners and Proprietors of the said Pastures and Persons interested therein, having taken the same into Consideration, are willing and desirous that the said several Pastures should be divided, allotted, and held in Severalty amongst them and their respective Heirs, Executors, Administrators and Assigns, in Proportion to the Numbers of Cattlegates and Sheepgates which they are respectively intitled to thereon :

And whereas such Division and Allotment of the said stinted Pastures cannot be established and rendered effectual without the Aid and Authority of Parliament :

May it therefore please your M A J E S T Y,

Enacting
Part of the
Bill.

Commission-
ers appoint-
ed.

That it may be enacted ; **And be it enacted**, by the KING's Most Excellent M A J E S T Y, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Henry Waddington* of *Crow-Nest*, *John Foster* of *Newby-Coat*, and *Richard Clapham* of *Feisar*, all in the Parish of *Clapham* and County of *York*, Gentlemen, shall be, and they are, hereby appointed Commissioners for dividing and allotting the said several Pastures, lying in the Township of *Litton* aforesaid, hereby intended to be inclosed, and for putting this Act into Execution ; and that the said Commissioners, or their Successors, or any two of them, shall, and they are hereby directed to allot and divide the said several Pastures, hereby intended to be inclosed, unto and amongst the Proprietors of the said Pastures, in a due and fair Proportion, as near as may be, (Quantity, Quality, Situation and Convenience considered) and according to their respective Rights and Interests therein, subject to the Rules, Orders, and Directions, in and by this Act ordered, appointed and prescribed.

And be it further enacted, by the Authority aforesaid, that no Person shall be capable of acting as a Commissioner in the Execu-
tion

ion of the Powers given by this Act, (unless it be the Power given of administering Oaths) until he shall have taken an Oath to the Effect following :

I A. B. do swear, That I will faithfully, impartially and honestly, according to the best of my Skill and Judgment, bear and determine all such Matters and Things as shall be brought before me as a Commissioner, by Virtue of an Act of Parliament "for dividing and inclosing several stinted Pastures within the Township of Litton, in the Parish of Arncliffe and County of York." Commissioners Oath.

Which Oath it shall be lawful for any one of the Commissioners to administer to any other of the Commissioners ; and the said Oath, so taken and subscribed by each Commissioner, shall be inrolled at the same Time and Place as the Award directed to be made by the Commissioners is by this Act directed to be inrolled.

And, for the more just and regular Division and Distribution of the said several stinted Pastures, so to be divided and allotted as a Survey to be made. **Be it further enacted and declared,** by the Authority aforesaid, That a true and perfect Survey and Admeasurement shall be made of the said several stinted Pastures, so intended to be inclosed as aforesaid, some time before the Twenty-fifth Day of July, in the Year of our Lord One Thousand Seven Hundred and Sixty Eight, or as soon after as conveniently may be, by such Person or Persons as shall be nominated and appointed for that Purpose by the said Commissioners or their Successors, or any two of them ; and that such Admeasurement and Survey shall be reduced into Writing, and laid before the said Commissioners or their Successors at all and every of their Meetings to be had in Pursuance of this Act.

Provided always, and be it further Enacted by the Authority aforesaid, That no Person or Persons, whom the said Commissioners, or any two of them, shall appoint to make such Survey as aforesaid, shall be capable to act as a Surveyor for the Purposes aforesaid, until he or they shall have taken and subscribed an Oath to the Effect following :

I A. B. do swear, that I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, make a true and distinct Survey of all the stinted Pastures within the Township of Litton, in the Parish of Arncliffe, in the County of York, or such Part thereof as I shall be directed and employed to survey, and reduce the Surveyor's Oath.

the same into Writing, and therein set forth the Number of Acres, Roods, and Perches, on each of the said Pastures; and that I will lay a true and just Survey of the same before the Commissioners appointed to put in execution an Act of Parliament "for dividing and inclosing several stinted Pastures within the Township of Litton, in the Parish of Arncliffe, in the County of York," pursuant to the Directions of the said Act.—So help me God.

Which Oath it shall and may be lawful for any one or more of the said Commissioners to administer; and he and they is and are hereby impowered and required to administer the same accordingly.

Commissioners to determine Differences.

And be it further enacted, That it shall and may be lawful, to and for the said Commissioners and their Successors, or any two of them, and they are hereby authorized and required, in case any Difference shall arise between any of the Parties so interested or concerned as aforesaid, touching their Rights and Claims in and upon the said Pastures so intended to be divided and inclosed as aforesaid, to hear and examine Witnesses upon Oath (which Oath the said Commissioners or their Successors, or any two of them, are hereby impowered to administer) and take other proper Evidence touching the same, and thereupon to determine such Difference; which Determination shall be final and conclusive to all Parties.

Several Pastures to be deemed as one.

Provided always, and be it further enacted by the Authority aforesaid; That the said Pastures, called *Cow Close* and *Seaford Moor*, shall be considered, deemed and taken, and shall be divided and allotted by the said Commissioners or their Successors, or any two of them, as if the same were one intire Pasture only, and not as separate, distinct, or different Pastures; and that the said several Pastures, called *Pott's Moor*, *Middles Moor*, *Ackerley Moor*, and *Out Moor*, shall in like manner be considered, deemed and taken, and shall be divided and allotted by the said Commissioners or their Successors, or any two of them, as one intire Pasture only; and also that the said several Pastures called *Halton-Gill East Moor*, and *Halton-Gill West Moor*, shall be deemed, taken, allotted and divided, by the said Commissioners or their Successors, or any two of them, as one intire Pasture only, any thing herein contained to the contrary notwithstanding.

Allotments to be made.

And be it further enacted, That after the said Admeasurement and Survey shall be so made and reduced into Writing as aforesaid, all the said Pastures, by this Act directed to be inclosed, shall be, by the said Commissioners and their Successors, or any

two of them, divided and set out by Metes and Bounds, and allotted and assigned in Severalty unto and amongst all and every of the Owners and Proprietors thereof, according and in proportion to the Number of Cattlegates and Sheepgates each Person is intitled to thereon respectively.

Provided always, That nothing in this Act contained shall ^{Not to prejudice the Right of the College and Vicar.} any ways impeach, prejudice or injure, the Right or Title of the Master, Fellows and Scholars, of the Great Hall of the University, commonly called *University College in Oxford*, or of the Reverend *Henry Tennant*, Clerk, Rector or Vicar of the Parish Church of *Arncliffe*, or their Successors, to the Rectorial and Vicarial Tithes or Moduses in lieu thereof, Mortuaries, Easter Offerings, or Surplice-Fees, happening, arising, or renewing, or which shall at any Time happen, arise, or renew, upon or within the said several Pastures herein intended to be inclosed, or any Part or Parts thereof, or elsewhere within the said Township or Parish; but that the said Master, Fellows, and Scholars, and the said Rector or Vicar, and their Successors, shall be intitled to the same as fully, and in such manner, as they would have been in case this Act had not been made.

Provided always, and it is hereby further enacted and ^{Watering Places.} **declared,** That it shall and may be lawful to and for the said Commissioners and their Successors, or any two of them, and they are hereby authorized and directed, to set out, allot and assign, such Quantity of Land as they shall think proper, at a certain Place called the *Foss*, otherwise *Force*, on *Scofcoe Moor*, and one other Parcel of Land at a Place called *Crusfilbeck*, on the said Pasture called *Ackerley Moor*, and also one other Parcel of Land at a Place called *Pott's Beck*, on the said Pasture called *Pott's Moor*, (so as the said three Parcels of Ground do not exceed the Quantity of two Acres in the whole) to be used by the Inhabitants of *Litton* aforesaid as and for common Watering-Places for the Watering of their Cattle, and other Purposes, any thing herein contained to the contrary notwithstanding.

Provided also, and be it further enacted, by the Authority ^{Turbary.} **aforesaid,** That it shall and may be lawful to and for the said Commissioners or their Successors, or any two of them, and they are hereby authorized and directed, to award and assign so much, and such Part, of the said Pasture called *Halton-Gill West Moor*, as they shall think proper, for the supplying the several Owners thereof with Turf; and to divide, assign and set out, by Metes and Bounds, the said Parcel of Ground or Turbary unto and amongst

amongst the Proprietors of the said Pasture, according and in Proportion to their several and respective Rights and Interests thereon, any thing herein contained to the contrary notwithstanding.

Roads to be
set out.

And it is hereby further enacted and declared, That the said Commissioners or their Successors, or any two of them, shall and may, and they are hereby authorized and required, to ascertain, set out and appoint, all publick and private Ways or Roads and Passages in and through the said several Pastures, so to be divided and inclosed as aforesaid, with the Sizes and Breadths thereof, so as all publick Roads to be made shall be and contain sixty Feet in Breadth, at the least, between the Ditches or Fences; and that from the Time or Times of making such new publick or private Ways, Roads or Passages, it shall not be lawful for any Person, on Foot or on Horseback, or with any Beast, Coach, Cart, Waggon, or other Carriage whatsoever, to use any Roads, Ways, or Passages, either publick or private, in, over, through or upon, the said several Pastures so intended to be inclosed as aforesaid, other than such Roads or Ways as shall be ascertained, laid out and appointed, as aforesaid; and that all such publick and common Highways, when so ascertained, laid out and appointed as aforesaid, shall from time to time be repaired and maintained in such manner as hath been heretofore accustomed, and by the Laws of this Realm they ought to be maintained.

Cross Gates

Provided always, That all and every of the Proprietors of the new Inclosures, intended to be made pursuant to this Act, shall have full Power and Authority, from and after the Time of making the said Inclosures, to erect or set up any Gate or Gates across any Part or Parts of the said Roads, to be made through or against his, her or their own Lands, not being Turnpike Road, for keeping out Sheep and Cattle, and to prevent their destroying any Banks, Drains, Woods, Plants, Quicks or Fences, which shall be made or planted for draining, inclosing, fencing or improving any Part or Parcel of the said Lands directed to be inclosed in Pursuance of this Act.

Allotments
to be fenced.

And it is hereby further enacted by the Authority aforesaid, That when the said several Pastures, hereby directed and appointed to be divided and inclosed, shall be set out, ascertained and allotted, by the said Commissioners or their Successors, or any two of them as aforesaid, by such Instrument or Writing as is hereinafter mentioned, the several Persons, to whom the said several Pastures called *Cow Close, Scofcoe Moor, Halton-Gill East Moor, Halton-Gill West Moor, Tansey Close* and *New Close*, shall be allotted and assigned shall

shall, in Proportion to the Number of Cattlegates and Sheepgates which they are severally and respectively intituled to thereon, at their own Expence respectively inclose, hedge, ditch, fence, wall and set out, the several Lots, Shares and Proportions, of the said several Pastures, called *Cow Close*, *Scoscoe Moor*, *Halton-Gill East Moor*, *Halton-Gill West Moor*, *Tansey Close* and *New Close*, within the Space of one Year next after the Signing and Sealing the said Instrument or Writing; and that the several Persons, to whom the said several Pastures, called *Potts Moor*, *Middles Moor*, *Ackerley Moor* and *Out Moor*, shall be so allotted and assigned as aforesaid, shall also, in Proportion to the Number of Cattlegates and Sheepgates, which they are respectively intituled to thereon, at their own Expence respectively, fence in and inclose the said several Pastures called *Potts Moor*, *Middles Moor*, *Ackerley Moor* and *Out Moor*, within the Space of two Years next after the Signing and Sealing the said Instrument or Writing, in such manner as the said Commissioners or their Successors, or any two of them, shall direct and appoint.

And be it further enacted, That if any Person or Persons shall refuse, neglect or omit, to fence in and inclose the said several ^{Persons refusing to inclose.} Parcels of Lands and Grounds, so to be assigned, set out and allotted, to him, her or them respectively as aforesaid, on the said Pastures called *Cow Close*, *Scoscoe Moor*, *Halton-Gill East Moor*, *Halton-Gill West Moor*, *Tansey Close* and *New Close*, or any of them, for the Space of one Year next after the Signing and Sealing the said Award or Instrument; or if any Person or Persons shall refuse, neglect or omit, to fence in and inclose the several Parcels of Lands and Grounds so to be assigned, set out and allotted, to him, her or them respectively as aforesaid, on the said several Pastures called *Potts Moor*, *Middles Moor*, *Ackerley Moor*, and *Out Moor*, or any of them, for the Space of two Years next after the Execution of the said Award or Instrument, in such Manner and Sort as the said Commissioners or their Successors, or any two of them, shall in such their Award order, direct and appoint, it shall and may be lawful, to and for the Person or Persons interested in the Lands and Grounds next adjoining to the Lands and Grounds so neglected or omitted to be fenced in and inclosed as aforesaid, to exhibit a Complaint in Writing against such Person or Persons as ought to have fenced in and inclosed the same, and as shall have neglected, omitted, or refused so to do, before one or more of his Majesty's Justices of the Peace for the West Riding of the County of York, not being interested in the said several Pastures, or any of them, who may summon the Parties concerned, and examine the Nature of the Complaint, and also examine all proper

proper Witnesses upon Oath; and after such Summons and Examination shall be so taken, shall and may, if he or they shall see Cause for so doing, order, direct, and appoint, the Person or Persons exhibiting such Complaint as aforesaid, to make the Fences of the Person or Persons neglecting or refusing as aforesaid; and also shall and may, by Warrant under his or their Hand and Seal, or Hands and Seals, directed to the Person or Persons exhibiting such Complaint as aforesaid, cause the Charges and Expences of making the Fences of the Person or Persons so neglecting or refusing as aforesaid (Demand being first made thereof) to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Distresses, and selling the same.

Power to
mortgage.

And be it further enacted, by the Authority aforesaid, That it shall and may be lawful, to and for all Husbands, and Persons acting as Guardians, Trustees, or Committees, of any of the said Proprietors of Beastgates or Sheepgates on the said Pastures, or any of them, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, and to and for any of the said Proprietors, being Tenants in Tail or for Life only, and to and for every of them, for the Time being, from Time to Time, by and with the Consent and Approbation of the said Commissioners or their Successors, or any two of them, to charge the said Lands and Grounds, which shall be assigned and allotted to them respectively by virtue of this Act, with any Sum or Sums of Money not exceeding Forty Shillings an Acre, for the Purposes of carrying this Act into Execution, and for securing the Repayment of such Sum and Sums of Money so to be advanced, with the Interest thereof, to grant, mortgage, lease or demise, the Lands and Grounds, so to be allotted and assigned as aforesaid for any Term or Number of Years, unto such Person or Persons as shall advance and lend the same respectively, his, her or their respective Executors, Administrators and Assigns, so as such Grant or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured shall be fully paid and satisfied, and so as in every such Grant or Demise, which shall be made by any Person or Persons interested in or intitled to any such mortgaged Premises for the Term of their natural Lives only, or by his, her or their Trustee or Trustees, Guardian or Guardians, there be contained a Covenant to pay and keep down the Interest of the Money to be thereby respectively secured during his, her or their respective Lives.

Pro-

Provided always, and be it enacted, That no Person, afterwards becoming possessed of such Lands and Grounds, shall be subject or liable to pay any further or larger Arrear of Interest than for one Year preceding the Time when the Title to such Possession shall accrue and commence.

And be it further enacted and declared, That every such ^{Such Mort-} Grant, Mortgage, Lease or Demise, so to be made in pursuance ^{gages valid.} of this Act, shall be good, valid and effectual, in the Law, for the Purposes thereby intended, notwithstanding the Want of Title in the said Husbands, Guardians, Trustees or Committees, or in the Persons acting as such, or in the said Tenants in Tail or for Life, or by reason of any Settlement, Deed, Will, Trust, Use, Remainder, Limitation, or other Impediment or Incumbrance whatsoever of or concerning the same Premises.

Provided, nevertheless, That any of the Proprietors of the ^{Owners to get} new Inclosures intended to be made pursuant to this Act, shall have ^{Stone.} full and free Liberty to get Stone in and upon any Part or Parts of the said several Pastures, intended to be divided, and lead away the same, with Carts or other Carriages, to any Place where any of the new Fences, for dividing the said Pastures, shall be ordered by the said Commissioners to be set and erected, so much Stone only as shall be sufficient for making and erecting such new Fences.

Provided also, That convenient Gaps and Openings shall be ^{Gaps to be} left in the said Fences and Inclosures, so to be erected and made ^{left open.} as aforesaid, in the said several Pastures called *Cow Close, Scofcoe Moor, Halton Gill East Moor, Halton Gill West Moor, Tansey Close* and *New Close*, for the Space of twelve Months next ensuing the Execution of the said Instrument or Writing, and in the Fences and Inclosures so to be erected and made as aforesaid on the said several Pastures called *Pott's Moor, Middles Moor, Ackerley Moor,* and *Out Moor*, for the Space of two Years next after the Signing and Sealing the said Instrument or Writing, for the Passage of Cattle, Carts and Carriages, in, by and through the same, unless the several Parties interested shall agree that the same be sooner fenced in and inclosed.

Provided always, and be it further enacted, That where any ^{Fences next} Parcel of Land, so to be allotted as aforesaid, shall abut or adjoin ^{Highways to} upon any Highway, the Hedge, Ditch, Fence or Wall, of the ^{be repaired} said Lot or Share, so far as the same abuts or adjoins on any ^{by the Own-} Highway, shall be repaired and maintained at the sole Costs and ^{ers of the} Charges of the Person intituled to such Lot or Portion for the Time ^{Land adjoin-} being,

being, for ever; and also that all other Fences, to be made for inclosing, separating and dividing, the said several Pastures pursuant to this Act, shall, after the said Inclosures are made, be repaired and maintained by such Person and Persons, and in such Manner, as the said Commissioners or their Successors, or any two of them, shall in that Behalf order, direct and appoint, pursuant to the Tenor, true Intent and Meaning of this Act, and such Award, Order and Determination, of the said Commissioners or their Successors, or any two of them, in that Behalf, shall be binding and conclusive to the several Parties interested in and intitled to such Shares and Allotments as aforesaid.

Commis-
sioners to
make an A-
ward.

And for preventing all Differences and Disputes relating to the said Inclosures and Division, **it is hereby further enacted** by the Authority aforesaid, That after the said Commissioners or their Successors, or any two of them, shall have completed and finished the Division, Partition and Allotments, of the said several Pastures, pursuant to the Purport and Directions of this Act, they shall, on or before the Twenty-ninth Day of *September*, in the Year of our Lord One Thousand Seven Hundred and Sixty-eight, or as soon after as conveniently may be, form and draw up, and they are hereby authorized and directed to form and draw up, an Award or Instrument in Writing, which shall express and contain the Number of Cattlegates and Sheepgates of each Person in and upon the said several Pastures, distinguishing how many thereof are Freehold, and how many thereof held for Terms of Years under the Right Honourable *William Lord Mansfield*, surviving Trustee named in the last Will and Testament of the Right Honourable *Richard Earl of Burlington* deceased, and by whom respectively; and which shall also express and contain the Quantity, in Statute-Measure, of Acres, Roods and Perches, contained in the said several Pastures, and the Quantity of each and every Part thereof assigned and allotted to the respective Parties intitled to or interested in the same, and a Description of the Situation, Buttals and Boundaries of the same Parcels and Allotments respectively; distinguishing also the Freehold and Leasehold Shares so held for long Terms of Years; to the end that the said Leasehold Shares may hereafter be held by the several and respective Person and Persons to whom the same shall be allotted, and their several and respective Executors, Administrators and Assigns, for the Remainder of the said respective Terms therein yet to come; and shall also contain Orders and Directions for hedging, ditching, walling and fencing the same, and for keeping and maintaining such Hedges, Ditches, Walls and Fences in repair, and for making and laying out proper Ways, Bridges, Under-Bridges, Passages

Passages and Water-Courses, in and through the same Premises, and supporting and maintaining the same; and also shall contain such other Orders, Regulations and Determinations, as shall be proper and necessary to be inserted therein, conformable to the true Intent, Purport and Meaning, of this Act; which said Instrument shall be fairly ingrossed on Parchment, and signed by the said Commissioners or their Successors, or any two of them, and shall be inrolled in the publick Office at *Wakefield*, appointed for the registering of Deeds, Conveyances and Wills, affecting Lands in the West-Riding of the County of *York*, by the Register thereof; who is hereby required to inroll the same in the proper Books for inrolling of Bargains and Sales of Lands; a true Copy of which Inrollment, or any Part thereof, under the Hand of the said Register or his Deputy, shall from Time to Time be admitted in all Courts whatsoever as legal Evidence of the same; and the said Register or his Deputy shall be intitled to such Fees for such Inrollment, and Copy thereof, only as are allowed him by the Act for inrolling any Bargain and Sale, and Copy thereof; and the said Award or Instrument shall, after such Inrollment thereof, be lodged and deposited in the Chest or Box wherein the Publick Papers and Writings of the said Township are usually kept, to the end that Recourse may be had to the same, by any Person or Persons interested in the said Division and Inclosure; and that the said Award shall be binding to all Persons and Parties interested therein, and their several and respective Heirs, Executors, Administrators, Assigns and Successors, and shall be allowed as Evidence in all the Courts of Law and Equity.

And whereas it is requisite that some convenient Time should be fixed for every Person intitled to any Part of the said new-intended Inclosures to accept of their respective Shares and Allotments, **Be it therefore further enacted** by the Authority aforesaid, That all and every Person and Persons shall, and they are hereby required to accept his, her and their respective Shares and Allotments within the Space of three Months after the Execution of the said Award or Instrument, and Notice to him, her or them respectively given in Writing by the said Commissioners or their Successors, or any two of them, for that Purpose.

And it is hereby further enacted, That the said several Lands and Grounds so to be divided, set out, allotted and appointed, to and for all, and every other Person and Persons, who by virtue of this Act shall be intitled to the same, shall be in full Bar, Satisfaction, and Compensation, for his, her, and their said several and respective Cattlegates and Sheepgates, which, before the

the passing of this Act, were in and upon the said several Pastures, hereby intended to be inclosed; and that, from and immediately after making the said Division and Allotments, and the Execution of the said Award or Instrument of such Tenor and Purport as afore mentioned, all the said Cattlegates and Sheepgates belonging to or claimed by all and every or any of the Owners and Proprietors thereof, whether Freehold or held for Terms of Years, within or upon the said several Pastures so intended to be inclosed as aforesaid, shall cease and be absolutely extinguished.

Power to exchange.

And be it further enacted, by the Authority aforesaid, That for the more convenient Disposition of the several Allotments so to be made as aforesaid, upon the said intended Division, it shall and may be lawful to and for all or any of the Proprietors of Beastgates or Sheepgates on the said several Pastures, or any of them, and his, her or their Guardians or Committees, to exchange all or any of his, her, or their said Beastgates or Sheepgates, and the Ground and Soil thereto belonging, for any other Beastgates or Sheepgates, and the Ground and Soil belonging thereto, within the said several Pastures or any of them, so as all and every such Exchange and Exchanges be made by and with the Consent and Approbation of the said Commissioners or their Successors, or any two of them, to be ascertained and declared in the said Award or Instrument, so directed to be made and executed as aforesaid, or some other Act or Instrument, to be inrolled in the same manner as the said Award is by this Act directed to be inrolled; and that all and every Exchange and Exchanges, so to be made as aforesaid, shall be good, valid, and effectual, to all Intents and Purposes whatsoever.

Lands allotted in lieu of Freehold Cattlegates, or Cattlegates held for Terms of Years, to be deemed of the same Nature respectively.

Provided always, and it is hereby further enacted and declared, That the Lands or Grounds in the said several Pastures, which shall be allotted as aforesaid to any of the Proprietors in lieu of any Cattlegate or Cattlegates, Sheepgate or Sheepgates, now belonging to such Proprietors respectively, which are Freehold, shall, for ever after such Award so to be made as aforesaid, be deemed to be Freehold, and shall be held by and under the same Tenures, Rents, Customs and Services as the Freehold Cattlegate or Cattlegates, Sheepgate or Sheepgates, in lieu of which such Allotments shall be made, are held; and that the Lands and Grounds in the said several Pastures, which shall be allotted as aforesaid to any of the Proprietors, in lieu of any Cattlegate or Cattlegates, Sheepgate or Sheepgates, now belonging to such Proprietors respectively, which are held as aforesaid for long Terms of Years, shall, for the Residue of the said Terms of Years after such Award so made, be deemed to be Leasehold, and shall be held by and under the same Tenures, Rents,

Rents, Customs and Services, as the Leasehold Cattlegate or Cattlegates, Sheepgate or Sheepgates, in lieu of which such Allotments shall be made, are held.

Provided also, That this Act shall not extend, or be construed, deemed, adjudged or taken, to revoke, make void, alter or annul, any Settlement, Deed, Will or Lease whatsoever, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Reversion, Rent, Service, Debt, Charge or Incumbrance in, out of, upon or affecting the said several Pastures so intended to be divided and inclosed, or any part thereof, or any Cattlegate or Cattlegates, Sheepgate or Sheepgates, belonging to any of the Proprietors thereof respectively in or upon the said several Pastures; but that the several Lands and Grounds to be assigned and allotted upon the said Division to the several Proprietors of Cattlegates and Sheepgates respectively, shall, immediately after such Allotments, be, remain and enure, and be held and enjoyed, and the several Persons, to whom the same shall be assigned and allotted respectively, shall from henceforth stand and be seized thereof to such and the same Uses, and to and for such and the same Estates, and subject to such and the same Wills, Settlements, Limitations, Remainders, Reversions, Conditions, Powers, Provisoes, Leases, Debts, Charges and Incumbrances as the same Cattlegates and Sheepgates respectively in and upon the said several Pastures, in respect whereof such Allotments shall by Virtue of this Act be so made, should and would have been subject and liable to be charged with, and affected by, in case the same had remained uninclosed, or this Act had not been made.

Provided always, and it is hereby further enacted and declared, by the Authority aforesaid, That nothing in this Act contained shall prejudice, lessen, or defeat, the Right, Title, or Interest, of the said *William Lord Mansfield*, Lord of the Manor of *Litton*, in Trust as aforesaid, or any future Lord or Lords of the said Manor, of, in, or to the Seigniories and Royalties incident or belonging to the said Manor, but that all and every such Lord and Lords, for the Time being, shall and may, from Time to Time, and at all Times, hereafter hold, receive, and enjoy all Rents, Services, Courts Perquisites, and Profits of Courts, and all other Rents, Rights, Royalties and Privileges to the said Manor or Lordship respectively incident, appendant, belonging or appertaining, in as full, ample and beneficial a Manner, to all Intents and Purposes, as he, or they, respectively might have held or enjoyed the same before the passing this Act.

D

And

Notice of the
first Meeting.

And it is hereby further enacted and declared, by the Authority afore said, That the Commissioners for the Time being, appointed or to be appointed, by Virtue of this Act, or their Successors, or any two of them, shall, and they are hereby required to give Notice in the Parish Church of *Arncliffe* afore said, upon some *Sunday*, immediately after Divine Service, of the Time and Place of the first Meeting of the said Commissioners, for the Execution of the Powers hereby vested in them, at least fifteen Days before such Meeting, and shall also give Notice of every subsequent Meeting on the *Sunday* next preceeding the same respectively; Meetings by Adjournment only excepted.

Commission-
ers dying, or
refusing to
act, others to
be chosen.

And it is hereby further enacted, by the Authority afore said, That when, and as often as, any Commissioner or Commissioners appointed by this Act, or to be elected in Manner herein after mentioned, shall die or refuse to act, it shall and may be lawful for such of the said Commissioners as shall survive, from Time to Time, within thirty Days next after the Death or Refusal of such Commissioner or Commissioners, by any Instrument or Writing, under his or their Hand and Seal, or Hands and Seals, to elect, nominate, and appoint one or more fit Person or Persons (not interested in the said intended Inclosure) to be a Commissioner or Commissioners, instead of every Commissioner or Commissioners, so from Time to Time dying, or refusing to act as afore said; and every such Commissioner or Commissioners, so to be appointed, shall have the like Powers and Authorities, by Virtue of this Act, as the Commissioner or Commissioners, in whose Place he or they succeed, was or were invested with.

Notice there-
of to be given.

Provided nevertheless, That Notice be given in the said Parish Church of *Arncliffe* afore said, upon some *Sunday*, immediately after Divine Service, of the Time and Place of Meeting to choose such Commissioner or Commissioners, at least fifteen Days before every such Meeting.

Expences,
how to be
paid.

And it is hereby further enacted and declared by the Authority afore said, That the Charges and Expences of passing this Act, and of surveying, measuring, mapping, dividing and allotting the said several Pastures so intended to be inclosed as afore said, and of preparing the said Award or Instrument, and all other Charges and Expences of the said Commissioners, and all other necessary Expences in, about, and concerning the Premises, shall be born and defrayed by all the Owners and Proprietors of Cattle-gates and Sheep-gates in and upon the said respective Pastures, so directed to be inclosed, according and in proportion to the Number of Cattle-gates

gates and Sheepgates each Owner or Proprietor shall appear to be entitled unto in and upon the said respective Pastures, to be settled, adjusted, ascertained and determined, by the said Commissioners or their Successors, or any two of them; and that, in case any such Owner or Owners shall refuse or neglect to pay his, her or their Share or Proportion of such Charges and Expences within the Time to be limited by the said Commissioners or their Successors, or any two of them, to such Person or Persons as they shall appoint, then the said Commissioners or their Successors, or any two of them, shall and may, by Warrant under their Hands and Seals, directed to any Person or Persons whatsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Proprietor or Proprietors so refusing or neglecting to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, the reasonable Costs and Charges of taking or making such Distress and Sale being thereout first deducted and paid.

And be it further enacted and declared, That all and every Lessee or Lessees of any of the Beastgates or Sheepgates on the said several Pastures, for any Term not exceeding twenty-one Years, shall, for and during the Continuance of their several and respective Leases, severally and respectively pay to their several and respective Lessors or Landlords, their Heirs, Executors, Administrators and Assigns, Interest for all and every such Sum and Sums of Money as the said several Lessors or Landlords, their Heirs, Executors, Administrators or Assigns, shall lay out and expend, for the Purpose of putting this Act into Execution; such Interest to be deemed as an Increase of Rent, and to be recovered by Distress and Sale, in such manner as Landlords are empowered by Law to distrain for, and recover their Rents.

Lessees to pay Interest.

Saving and always reserving to the King's most excellent Majesty, his Heirs and Successors, and all and every Person and Persons, Bodies Politic and Corporate, his, her and their Heirs, Successors, Executors and Administrators (other than and except such Persons to whom any Allotment or Allotments shall be made in Pursuance of this Act) all such Right, Title and Interest, as they, every or any of them, had and enjoyed of, in, to or out of the said several Pastures, so intended and appointed to be inclosed as aforesaid, before the passing of this Act, or could or might or ought to have had, held and enjoyed, in case this Act had not been made.

Saving to the King, &c.

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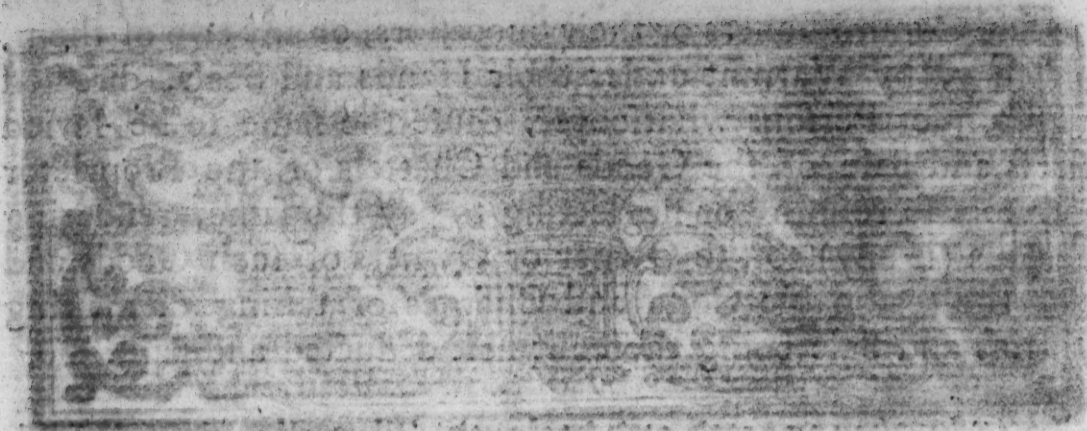
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F O R

Dividing and Inclosing several
tinted Pastures within the
Township of Linton, in the
Parish of Arnccliffe, and
County of York.

[1768.]



214.6.2
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